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FISCAL IMPACT STATEMENT

LS 6885

BILL NUMBER: HB 1257

NOTE PREPARED: Jan 6, 2012

BILL AMENDED:

SUBJECT: High Pressure Boiler Operators.

FIRST AUTHOR: Rep. Moseley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill establishes certification requirements for high pressure boiler operators. The bill requires that a high pressure boiler operator must hold a license issued by the National Institute for the Uniform Licensing of Power Engineers (NIULPE).

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Boiler And Pressure Valve Rules Board (BPVRB)*- The BPVRB would be able to adopt rules to properly perform their duties to regulate high pressure boiler operators. The BPVRB is required by law to meet at least four times per year in a quarterly fashion. The BPVRB would establish initial and renewal fees for the certificate. The BPVRB would have to prescribe the application form for the certificate.

Professional Licensing Agency (PLA)- The PLA would be responsible for providing staff and support to the BPVRB to perform the BPVRB's duties under the bill. The PLA would also be required to receive and account for all revenue collected by the certification fees.

The bill's requirements represent an additional workload on the PLA outside the PLA's existing staffing and resource levels, and may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Traditionally, the PLA has work groups that administer the licenses for at least two or more professions. It is likely, without further staff or funding, the PLA would have to place the certification of boiler operators on an existing work group. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Explanation of State Revenues: *Summary:* Revenues to the state General Fund would increase from the establishment of initial and renewal fees for the certification of high pressure boiler operators. The amount of revenue would depend on the fees set by the BPVRB and the number of persons applying for the certificate.

Court Fee Revenue: A person who is aggrieved by an order or determination of the BPVRB would be allowed to judicial review under the provisions of state statute. If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Penalty Provision: If a person knowingly, recklessly, or intentionally operated a high pressure boiler without holding a license issued by the NIULPE or under the supervision of an operator with a license issued by the NIULPE, that person would commit a Class C infraction. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Background Information- The United States Bureau of Labor Statistics reports that 710 stationary engineers and boiler operators were employed in Indiana during CY 2010. It is unknown how many of those individuals hold a license from the NIULPE and would seek state certification.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* Persons aggrieved by the BPVRB would have the option to pursue judicial review. If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Penalty Provision: If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: BPVRB, PLA.

Local Agencies Affected: Trial courts, local law enforcement agencies; circuit court clerk.

Information Sources: Bureau of Labor Statistics: May 2010 OES state occupation statistics.

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